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Anti-Marriage Bills 1996 -- State-By-State Status Report Evan Wolfson, Director of the Marriage Project March 22, 1996

In all fifty states today, same-sex couples are denied the freedom to marry -- no matter how long they have been together, no matter how committed their relationship, and no matter how much their families need the protections, benefits, and responsibilities that come with civil marriage. With a court challenge in Hawaii likely to end this discrimination sometime within the next two years, right-wing political extremists are mounting a state-by-state preemptive backlash aimed at thwarting legal recognition of the lawful civil marriages that same-sex couples hope to celebrate some day.

All other Americans take for granted that this is one country, and if you are married, you are married; no one believes that married couples should have to have a marriage visa stamped every time they cross a state border. But if the religious-political extremists have their way in promoting "anti-marriage bills," couples, their families, states, taxpayers, employers, creditors, and others will literally face the legal and practical nightmare of "now you're married/now you're not." Hearkening back to the not-so-long-ago ugly days of past discrimination against those who chose to marry the "wrong" kind of person (such as interracial or interreligious couples), and the days when Americans had to "go to Reno" just to get a civil divorce, these anti-marriage bills are unconstitutional, wrong, and cruel. They can and must be stopped now.

SUMMARY

Pending Anti-Marriage Bills: AL, AK, CA, CO, FL, GA, HI, ID, IL, KS, KY, MI, MO, OK, SC, TN, WI (16)

Anti-Marriage Bills Rejected or Failed to Advance: IA, ME, MD, MS, NM, RI, VA, WA, WV, WY (10)

Anti-Marriage Bills Adopted: ID, SD, UT (3)

Alabama

(Session ends 5/22)

House Bill 142

Declares that "marriage between persons of the same sex shall not be deemed legitimate and shall be declared void." Reported from Judiciary Committee Feb. 13.

Senate Bill 396

Introduced by Senator Armistead. Prohibits marriages between persons of the same sex in Alabama, prohibits legal recognition of lawful marriages celebrated elsewhere, and fines officials who celebrate a marriage for a same-sex couple \$1000. Referred to Judiciary.

WRIGHT & SONS
WRITING PAPER

Alaska

(4/22)

House Bill 227

Introduced by Rep. Norman Rokeberg on March 3, 1995. The bill would restrict marriage to "between a man and a woman." Passed the House February 28, 1996.

Senate Bill 308

Introduced by Rep. Lyda Green March 14, 1996. Restricts marriage to opposite-sex couples, and provides that a same-sex couple's marriage lawfully contracted elsewhere will be "void in this state, and contractual rights granted by virtue of the marriage, including its termination, are unenforceable in this state." Passed the Health, Education & Social Services Committee on March 20. Now goes to Senate Judiciary Committee.

California

(9/1)

Assembly Bill 1982

Introduced by Assembly Member Pete Knight on September 15, 1995. The bill was amended on January 12, 1996 and stipulates that only a man and a woman may be allowed to obtain a license and authorization for marriage in the state of California. The bill further provides that the state of California will not recognize same-sex couples' marriages even if lawfully performed in other states. Passed the Assembly on a largely partisan vote, and now goes to the State Senate.

Assembly Bill 3227

Introduced by Assembly Member Pete Knight on February 23, 1996. Spells out more explicitly the discriminatory bases of non-recognition of same-sex couples' lawful marriages.

Colorado

(5/8)

House Bill 1291

Introduced by Rep. Musgrave on January 31, 1996. Passed the House by one vote. Voted out by the Senate March 11. Now goes to Governor Romer.

Florida

House Bill 2369

Bill introduced by Rep. Buddy Johnson. Assigned to House Judiciary Committee on March 6. Bill withdrawn on March 12. No further information at this time.

Georgia

(3/15)

House Bill 1580

Introduced by Rep. Crews. Would insert an explicit limitation of marriage as only "between a man and a woman." Passed the House. On February 27, passed by Senate Special Judiciary Committee, 4-2.

Senate Bill 681

Introduced by Senators Gochenour, Perdue, and Edge. Declares it the "public policy of this state to recognize the union only of man and woman. No same-sex marriage shall be recognized as entitled to the benefits of marriage." Further prohibits marriages between persons of the same sex, declare out-of-state marriages "null and void", and says that "any contractual rights granted by virtue of such license, including its termination [!], shall be unenforceable in the courts of this state." Senate Judiciary committee approved, 4-2. Passed Senate. Now goes to Governor Zell Miller.

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Hawaii

(5/3)

House Bill 2366

On March 1, House Speaker Souki prompts suspension of rules to consider constitutional amendment that would provide that "Marriage shall be defined in the State of Hawaii as the legal association reserved exclusively for the lawful union of a man and a woman." Measure passed House; died in Senate where leadership saw it had little support. Had it been passed by the Senate with a 2/3 vote, would have gone on the November ballot for ratification by the voters.

House Bill 609

Introduced by Rep. Alcon on January 23, 1995. Would amend the state constitution to discriminate in marriage by defining marriage as only "between a man and a woman." Unlikely to advance.

House Bill 2172

Introduced by House Speaker Souki on January 27, 1995. Amends the state constitution to restrict marriage to "between a man and a woman." Pending in House Judiciary Committee.

House Bill 2367

Introduced by House Speaker Souki on January 19, 1996. Proposed ballot question.

Senate Bill ____

On February 26, Senate Judiciary Committee rejected bill that would have amended state constitution to prohibit equal marriage rights.

Idaho - DEFEAT

(mid-March)

House Bill 658

Introduced by several House Members on January 12, 1996. Amends Section 32-209 of the Idaho Code to read, "All Marriages contracted without this state, which would be valid by the laws of the state or country in which the same were contracted, are valid in this state, unless they violate the public policy of this state. Marriages that violate the public policy of this state include, but are not limited to, same-sex marriages, and marriages entered into under the laws of another state or country with the intent to evade the prohibitions of marriage laws of this state." Passed the House and Senate; signed into law by Governor Phil Bratt.

Illinois

(5/31)

Senate Bill 1773

Introduced by Sen. Fitzgerald on February 9, 1996. Prohibits marriages "between two individuals of the same sex" and declares such lawful marriages to be "against public policy." Passed by Senate Judiciary Committee March 6, 1996.

Iowa - VICTORY!

(4/26)

House Bill 2183

Introduced February 9, 1996 by Rep. Hurley and Rep. Grubbs. States that "[o]nly a marriage between a male and a female" is valid. Passed House Feb. 20 without public hearings. Failed in Senate Judiciary Committee March 21.

March 1955

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in a position to be able to provide for the needs of her family
and to be able to do so in a way which was not only
but also in a way which was not only
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March 1955

Information was obtained on January 14, 1955, from the
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Kansas

House Amendment to Senate Bill 515

Amends marriage statute to say that marriage is a "civil contract between two parties who are of opposite sex. All other marriages are declared to be contrary to the public policy of this state and void." Passed through House Judiciary Committee without hearings. Passed House March 21. Now goes to Senate Judiciary Committee.

Kentucky

(4/12)

House Bill 500

Proposed by Rep. Sheldon Baugh, to provide that "a marriage between members of the same sex which occurs in another jurisdiction shall be void in Kentucky," as shall such marriages in Kentucky. Similar language is also pending in a second House measure introduced by Rep. Kathy Hogancamp (Floor Amendment 1 to H.B. 219).

House Bill 882

Assigned to Judiciary Committee. No further details.

Senate Bill 339

Assigned to Senate Judiciary Committee. No further details.

Maine - VICTORY!

Bill would have prohibited recognition of same-sex couples' lawful marriages, but was withdrawn on January 24, 1996. An anti-marriage non-binding resolution was also rejected.

Maryland - VICTORY!

(4/8)

House Bill 1268

Introduced on February 15 by Delegate Emmit Burns to ban recognition of lawful out-of-state marriages by same-sex couples who move into or return to Maryland. Rejected by House of Delegates Judiciary Committee 14-8.

Michigan

(12/31)

House Bill 5661

Introduced by Rep. Deborah Whyman. Would prohibit same-sex couples from marrying.

House Bill 5662

Introduced by Rep. Whyman. Would declare null and void any lawful marriage of same-sex couple from another state.

Senate Bill 937

Introduced by Sen. William Van Regenmorter. Would prohibit same-sex couples from marrying. Assigned to Families, Mental Health & Human Services Committee.

Senate Bill 938

Introduced by Sen. Van Regenmorter. Would declare null and void any lawful marriage of same-sex couples from another state. Assigned to same committee.

Mississippi - VICTORY!

(4/8)

Senate Bill 2863

Bill proposed, but failed to meet legislative deadline. No further information.

Missouri

(5/17)

Senate Bill 895

Introduced by Sen. Kinder on February 6, 1996. Would declare same-sex couples' marriages presumptively void. Senate Civil and Criminal Jurisprudence Committee voted "do pass" on March 6.

House Bill 1458

Sponsored by Rep. James Froelker. Purports to permit the "solemnization of same-sex relationships by religious organizations [while denying them] the benefits, burdens, or obligations of marriage under the laws of Missouri." Pending in House Committee on Children, Youth, and Families.

House Bill 1454

Sponsored by Reps. Glenn Hall and Connie Cierpiot; adds "persons of the same sex" to list of those prohibited from marrying. Same Committee.

New Mexico - VICTORY!

Senate Joint Resolution 10, a proposed constitutional amendment to prevent legal recognition of same-sex couples' lawful marriages, failed to be brought to the floor and thus died in the Senate on February 15.

Oklahoma

House Bill 2554

Introduced by Rep. Tim Pope. Says "A marriage between persons of the same gender performed in another state shall not be recognized as valid and binding in this state as of the date of the marriage." Passed by House without hearings. Now goes to Senate Judiciary Committee.

House Res. 1045

Non-binding resolution introduced by Rep. Hamilton. As part of an attack on the National Education Association, declares that "persons who engage in same-sex marriages should not be permitted to adopt or provide foster care to children in this state."

Rhode Island - VICTORY!

(4/29)

House Bill 7587

Introduced by Reps. Flaherty and Knowles on January 23, 1996. Amendment to Chapter 15-3 of the General Laws entitled "Solemnization of Marriages" states that Rhode Island will only recognize as valid a marriage that "comports with and meets all conditions and requirements pursuant to this chapter." Tabled by Rhode Island House Judiciary Committee at a public hearing at the State House in Providence on February 1, 1996.

South Carolina

(6/6)

House Bill 4502

Introduced by Rep. Simrill on January 25, 1996. Provides that same-sex couples' marriages performed in other states are not valid or recognized in South Carolina. Referred to Judiciary Committee.

Senate Bill 1151

Referred to Judiciary Committee 2/15.

South Dakota - DEFEAT

House Bill 1143

Defines marriage as being "between a man and a woman." The House voted on January 29, 1996 to pass bill. Passed in the Senate under pressure from right-wing extremist groups such as the Family Research Council. Signed into law by Governor February 21. Unless repealed, will be subject of litigation by couples forced to protect their lawful marriages and families, as well as employers, creditors, and civil rights groups.

Tennessee

(5/16)

Senate Bill 2305

Introduced by Sen. Holcomb. Amends Tennessee Code Annotated, Title 36, Chapter 3, Part 5 by adding that it is the state's public policy "to recognize the union of only a man and a woman," and that marriages between persons of the same sex "are prohibited in this state." Additionally, an amendment has been proposed to spell out legislative policy "to recognize the family, which begins with the marriage of one (1) man and one (1) woman...." Passed by Senate.

House Bill 2907

Identical companion bill. Passed by House Judiciary Committee.

Virginia - VICTORY!

(3/15)

House Bill 1189

Introduced in House of Delegates by James McClure. Subsequently stricken from docket with the consent of the sponsor. Unlikely to advance.

Washington - VICTORY!

(3/8)

House Bill 2262

Introduced on January 8, 1996 by Rep. Thompson. Provided that same-sex couples' marriages performed in other states are not valid or recognized in Washington. Passed the House 60-36. The Senate declined to act on the bill prior to adjournment on March 8, thus killing it.

West Virginia - VICTORY!

House Bill 4730

Introduced by Rep. Steve Harrison on last day of session. Provides that out-of-state marriages will be recognized as valid except for certain marriages, including those "between persons of the same sex." Bill failed to advance.

Wisconsin

(5/17)

Bill proposed but not introduced.

Wisconsin
(5/17)

Not recorded but not known

West Virginia - WYOMING
March 25, 1952
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Washington - WYOMING
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Virginia - WYOMING
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Washington County, Pa. - Project in House Judiciary Committee
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Wyoming - VICTORY!

(3/15)

House Bill 142

Proposal to declare the "invalidity of same-sex marriages" failed to receive enough votes for introduction.

1995

In 1995 three states were asked to adopt anti-marriage laws (AK, SD, UT); two refused. Only one state, Utah, actually adopted one of these unconstitutional anti-marriage laws, thereby guaranteeing that its taxpayers, like those of South Dakota, will be face costly and likely losing litigation brought by couples (and others) seeking to defend lawful marriages (once marriage discrimination is ended through a case such as that pending in Hawaii).

Thanks to Human Rights Campaign, National Gay & Lesbian Task Force, and other National Freedom to Marry Coalition partners for assistance in gathering this information.

State-by-State Anti-Marriage Legislation



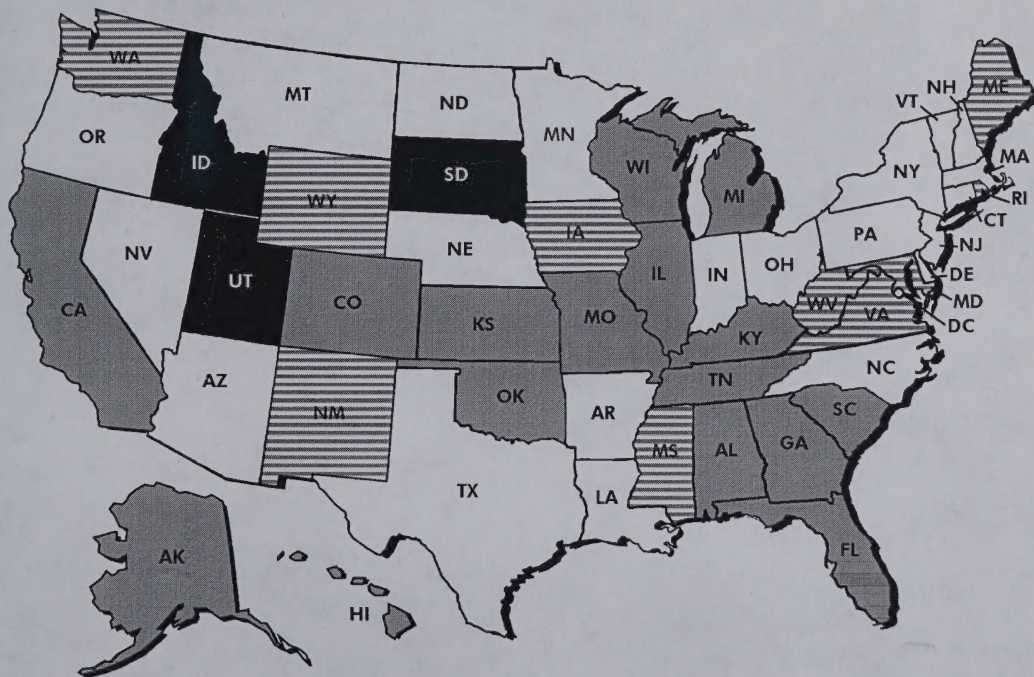
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Anti-Marriage Bills: State-by-State Status Report -- March 22, 1996

In all fifty states today, same-sex couples are denied the freedom to marry — no matter how long they have been together, no matter how committed their relationship, and no matter how much their families need the protections, benefits, and responsibilities that come with civil marriage. With a court challenge in Hawaii likely to end this discrimination sometime within the next two years, right-wing political extremists are mounting a state-by-state preemptive backlash aimed at thwarting legal recognition of the lawful civil marriages that same-sex couples hope to celebrate some day.

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State-by-State Anti-Marriage Legislation



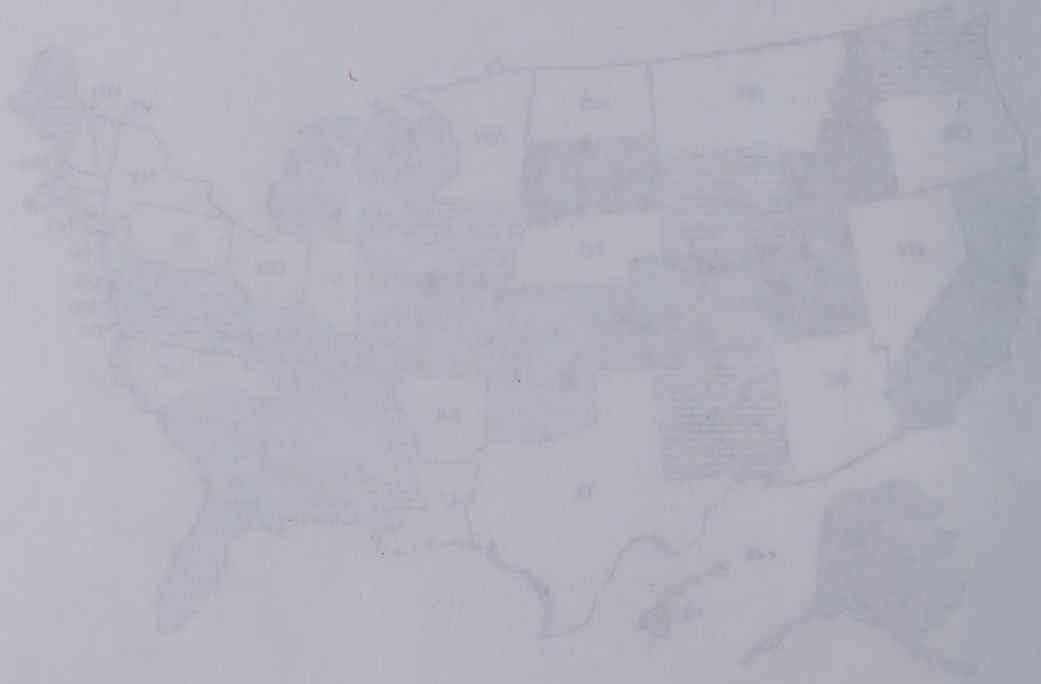
- States in which anti-marriage legislation has been introduced (17)
- ▢ States in which anti-marriage bills failed to advance (10)
- States that have guaranteed themselves costly litigation by passing anti-marriage bills (3)

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In the past several years, there has been a significant increase in the number of states that have enacted legislation to restrict the use of marijuana. This report provides a comprehensive overview of the current status of anti-marijuana legislation across the United States. The following table summarizes the legislative actions taken by each state as of March 31, 1996.

The following table provides a detailed breakdown of the legislative actions taken by each state. The table is organized into three columns: the state name, the date of the legislative action, and a brief description of the action. The actions are categorized into three types: "Restrictive Legislation," "Prohibitive Legislation," and "No Action." Restrictive legislation typically involves the establishment of a legal limit on the amount of marijuana that can be possessed or consumed. Prohibitive legislation typically involves the criminalization of the possession or use of marijuana. No action indicates that the state has not yet enacted any specific legislation regarding marijuana.

State-by-State Anti-Marijuana Legislation



- Restrictive Legislation
- Prohibitive Legislation
- No Action